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Northern Exposure

Canadian Legal Studies workshops look at life beyond the border

Nearly two dozen UB Law students got a taste of the rapidly changing, often contentious Canadian life — including a first hand look at the Toronto Stock Exchange — in a series of Canadian Legal Studies workshops during fall semester 1991.

As the vast nation to the north struggles with questions of language rights, political reform and national health care, the seminars introduced these future American lawyers to a broad range of legal and social policy topics.

"People had different reasons for being there," says Law School Professor Thomas Headrick, who coordinated the for-credit series sponsored by the Canada-United States Legal Studies Centre. "Some had particular objectives which related to their interest in international business and trade. Others, being in Western New York, knew that understanding what's going on in Canada is important to them. And some people were just curious to find out more about Canada."

A highlight of the semester was a visit to the Toronto Stock Exchange and the Ontario Securities Commission. The students left before 7 a.m., traveled to Toronto in a rented minivan, and returned that evening.

While most visitors are restricted to a viewing gallery, the UB Law class was allowed to go out onto the floor of the stock exchange and watch the action right at the traders' elbows.

"It's not as active a market as,

say, the New York market or the commodities markets in Chicago, because a lot of it has been computerized," Headrick says. "But people got a sense of what was going on and how things operate on the floor, and who the various players are."

Afterward, Headrick says, the class met with a half-dozen officers of the stock exchange: representatives of the general counsel's office, market regulators, those in charge of watching out for illegal activity.

"It was fascinating," Headrick says. "It was good for the students, not only because it was Canada and they got some insight into the Canadian securities market, but also because

it was not something you could organize in one of the American markets. They got a sense of the whole panoply of what goes into a stock exchange."

Among the formal lectures of the semester, Headrick cited sessions led by Arthur Bowler, of UB's history department, and Thomas Schofield '75, a Buffalo attorney, as putting Canada's recent political changes into perspective. "There's a significant amount of ignorance among Americans as to what is going on in Canada," Headrick says. "Those sessions were absolutely crucial in developing the sensitivity of American students toward what is going on north of the border."



Law professors Denise Reaume and Leslie Green, of Toronto.

Schofield, a partner in the Buffalo law firm Magavern & Magavern whose practice deals with U.S. and Canadian companies doing cross-border business, spoke about what has become an emotional issue among French-speaking Canadians, chiefly in Quebec: whether they can maintain their own cultural identity as a part of Canada, or whether they should secede from the nation as an act of self-preservation.

The government of Quebec has set a deadline of October 1992 for resolving the stay-or-go issue; the federal government, Schofield says, is trying to delay that crucial decision, which would be put to a referendum.

"What I covered was the history of relations in a constitutional and governmental organization sense, from the 1750s through the present," Schofield says. "I tried to demonstrate that there was a recurrent theme in the Francophone position of trying to preserve their identity and culture. There have been many instances (historically) that suggested they were losing ground by remaining unified" as a part of Canada.

Schofield, an American who studied Canadian history at the University of Toronto before coming to UB for his graduate work, says the French-speaking Quebecois "will do whatever is necessary in order to preserve the culture, including sovereignty." At this point, he says, the outcome is "too close to call."

"The sovereignty option is the closest it's been in modern history," he says. "There's an enormous desire to settle this issue once and for all. It's been around, if you're middle-aged like I am, your whole life. There are so many issues to be dealt with in the world that this generation wants to put this issue behind them."

Another Canadian constitutional issue was raised by Chris Bredt, an attorney who is adviser to the Province

of Ontario in the ministry of constitutional affairs. In the final session of the series, Bredt discussed the Ontario government's proposal to add a Social Charter of Rights to Canada's constitution.

The nation's constitution, adopted in 1982, includes a Charter of Rights and Freedoms, similar to our Bill of Rights. The Ontario proposal would broaden those rights to include government guarantees of the right to health care, adequate housing and employment — a contentious issue in a nation that already imposes heavy taxes on its citizens, including a national sales tax.

Money and politics were the subjects of a seminar presentation by Monroe Eagles, a UB professor of political science.

Eagles discussed the regulations that surround Canadian campaign financing, and discussed his own research: a study of whether candidates who spent more on their campaigns were more likely to get elected.

In this age of media-heavy political campaigns, such a theory seems self-evident; and indeed, Eagles says, "The more you spend, typically the better you do; and the more your opponents spend, typically the worse you do." His research has focused on campaigns for the House of Commons in each of Canada's 295 federal electoral districts.

This line of inquiry, Eagles says, has been pursued in the United States not by political scientists, but by paid market researchers. His study, he says, is the first attempt to demonstrate the link between spending and vote-getting in Canada.

What's not so apparent is the effect of Canada's government-imposed spending limits on each political party. "The amount you can spend is rather tightly regulated," Eagles says, and those limits are quite low by U.S. standards. For example, in the

Toronto suburb of Brampton, the spending limit was \$43,601; by contrast, a typical U.S. House of Representatives campaign runs to millions of dollars. (One reason for the disparity may be the difference in working conditions. Turnover in the House of Commons, Eagles says, runs to 25 percent in each election, largely because legislators find the pay insufficient.)

"We got a fair amount of discussion on the equitability of elections and the limits on spending," Eagles, a native of Canada, says of the class. "Obviously, it's a curb on freedom of speech, but in a way that somebody can't monopolize freedom of speech by spending their way into power."

Complicating the situation, he says, is heavy spending on candidates by special interests, primarily lobbyists on either side of the free-trade issue.

"It was very useful for me to have that very sharp audience," Eagles says of the class of second- and third-year law students. "My research is a work in progress, and they helped me to refine some of those ideas."

Other presentations in the Canadian Legal Studies workshops series:

*"Canada's New Financial Institution Legislations," given by Sara Azzarello, an attorney with the Royal Bank of Canada, in Montreal.

*"Perspectives on the Free Trade Agreement," by management professor Andrew Anderson of the University of Toronto.

*A session on private organizations' involvement in the U.S.-Canada Great Lakes Water Quality Agreement, given by Jack Manno of the Great Lakes Research Consortium.

*"Language Rights in Canada," presented by the husband-and-wife team of Denise Reaume, a law professor at the University of Toronto, and Leslie Green, a law professor at Osgoode Hall law school of York University, Toronto. ■